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AMENDMENTS TO "ROTH-STEVENS" (S.1527)

ADD

TITLE V - TO AMEND THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT OF 1964 FOR CERTAIN EMPLOYEES, AS AMENDED, TO INCORPORATE WHERE APPROPRIATE IN THAT ACT THE FOLLOWING BASIC PROVISIONS:

I. The Director of Central Intelligence (hereafter, the Director), notwithstanding any other provisions of law (including the foregoing provisions of this Act), shall have the sole and express authority to operate, maintain, and administer the Central Intelligence Agency Retirement and Disability System (hereafter, the System or the CIARD System) for Agency employees, irrespective of their dates of hire, or their coverage under any other federal retirement system(s) as of the date immediately prior to the date of enactment of this provision. All employees of the Agency, irrespective of their dates of hire, who are or were appointed or employed under the authority of the DCI, and who are not excluded from membership by any other provisions of law, shall be deemed to be members of the System upon such appointment or employment for the duration of their service with the Agency. Members of the System may not elect to participate in the retirement system established by the preceding titles of this Act.

II. The Director may designate from time to time as special participant members of the System those members of the System whose duties are determined by the Director to be (i) in support of Agency activities abroad hazardous to life or health or (ii) so specialized because of security requirements as to be clearly distinguishable from normal government employment. Any special participant member who has completed fifteen years of service with the Agency and whose career at that time is adjudged by the Director to be qualifying as a special participant member may elect to remain a special participant member for his/her duration of employment by the Agency and such election shall not be subject to review or approval by the Director. Only U.S. citizen employees of the Agency may be designated as special participant members.

III. The Central Intelligence Agency Retirement and Disability System will provide for contributions, obligations, rights, and benefits for covered employees as follows:

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(a) In the case of members of the System not subject to Social Security (OASDI) tax and coverage pursuant to Public Law 98-21, and who are currently under the Civil Service Retirement and Disability System as established by Chapter 83 of Title 5, United States Code, contributions, obligations, rights, and benefits (including age and service requirements for retirement eligibility) shall be equal to those under the Civil Service Retirement and Disability System as it stands as of the date immediately prior to the date of enactment of this Act and as it may be amended from time to time, except as otherwise specified in Section IV below;

(b) In the case of members of the System not subject to Social Security (OASDI) tax and coverage pursuant to Public Law 98-21, and who are designated pursuant to regulations prescribed by the Director, in accordance with Section 502 of this Act, as special participant members of the System, contributions, obligations, rights, and benefits (including age and service requirements for retirement eligibility) shall be equal to those under the CIAR Act of 1964 for Certain Employees, as amended, as it stands as of the date immediately prior to the date of enactment of this provision and as it may be amended from time to time;

(c) In the case of members or special participant members, respectively, of the System who are subject to Social Security (OASDI) tax and coverage pursuant to Public Law 98-21, contributions and benefits shall be calculated in a fashion such that the amounts required to be paid under the Social Security Act, when combined with amounts paid under the CIARD System, shall equate to the contribution and benefits for members or special participant members, respectively, of the System who are not subject to Social Security (OASDI) tax and coverage, as provided in paragraphs (a) and (b) above, respectively. In addition, members and special participant members of the System who are subject to Social Security (OASDI) tax and coverage pursuant to P.L. 98-21 shall be subject to the same age and service criteria for retirement eligibility as members and special participant members respectively, under paragraphs (a) and (b) above.

(d) Credit for the service of Agency employees under the Civil Service Retirement and Disability System, including employees hired on or after 1 January 1984, as amended, shall be transferred in full to the employees' credit under the CIARD System. All necessary and appropriate transfers of contributions and other monies from the Civil Service Retirement and Disability Fund, to the CIARDS Fund shall be effected as soon as possible following the enactment of this Act.

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IV. The annuity for any member of the System as described in III(a) shall be computed in accordance with Section 8339(a) of Title 5, United States Code, except that for each one year of service performed outside the United States, Puerto Rico, the Virgin Islands, and Guam as an Agency employee, irrespective of when performed, the employee's average pay for one year of total service within and up to the first 10 years' total service shall be multiplied by a percent not less than that specified in Section 221(a) of the CIA Retirement Act of 1964 for Certain Employees, as amended, as that provision stood as of the date of enactment of this Act, [plus an additional increment of not less than 0.5%], rather than the 1 1/2 percent or 1 3/4 percent figure specified in Section 8339(a) of Title 5, U.S.Code.

V. [Notwithstanding any other provisions of law, including the foregoing provisions of this Act, members of the System may elect to contribute to and participate in the Thrift Savings Plan established by this Act.]

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